



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 17, 1998

Captain Robert Taylor
Amarillo Police Department
200 S.E. 3rd Avenue
Amarillo, Texas 79101-1514

OR98-1501

Dear Captain Taylor:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 116261.

The Amarillo Police Department (the "department") received a request for incident report no. 83-10760. You assert that, with the exception of its "front-page information," the requested report is excepted from disclosure based on section 552.108(a)(2) of the Government Code.

Section 552.108(a)(2) of the Government Code reads as follows:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

...

(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication[.]

You state that the investigation of the incident "has been concluded" and that it "has not resulted in a conviction or deferred adjudication against any person." Section 552.108 is inapplicable to basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). We believe such basic information refers to the "front page offense report" information held to be public in *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), writ *ref'd n.r.e. per curiam*, 536

S.W.2d 559 (Tex. 1976). Thus, with the exception of the basic information, the department may withhold the report from disclosure based on section 552.108(a)(2).

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, reading "Kay Hastings".

Kay Hastings
Assistant Attorney General
Open Records Division

KHH/nc

Ref.: ID# 116261

Enclosure: Submitted document

cc: Ms. Cheryl Chapman
10600 S.E. 3rd Avenue
Amarillo, Texas 79118
(w/o enclosure)